

ORDER OF COURT

AND NOW, upon consideration of the cross-motions for summary judgment filed on behalf of the parties,

IT IS HEREBY ORDERED that Plaintiff's Motion for Summary Judgment (ECF No. 10) is **DENIED**, and the Motion for Summary Judgment (ECF No. 12) filed on behalf of the Commissioner of Social Security's is **GRANTED**. The final decision of the Commissioner of Social Security is **AFFIRMED**.

IT IS FURTHER ORDERED that the Report and Recommendation of the Magistrate Judge (ECF No. 17) is adopted as the Opinion of this Court.

s/ DAVID STEWART CERCON

David Stewart Cercone
United States District Judge

cc. Karl E. Osterhout, Esq.
Michael Colville, AUSA

(Via CM/ECF Electronic Mail)